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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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David A. Preves

Application No.: 09/524,666                      Group: 2643  
Filed: March 13, 2000                      Examiner: Dabney, Phylesha Larvinia  
Confirmation No.: 6745  
For: DISPOSABLE MODULAR HEARING AID

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
10/14/04	<i>Meredith Murray</i>
Date	Signature
Meredith Murray	
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☒ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☒ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

10/19/2004 HBEYEN1 00000101 09524666

180.00 GP

01 FC:1806

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references are enclosed.
    - ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☒ The "concise explanation" requirement (non-English references) for reference AP2 under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☒ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
 \_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
 \_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

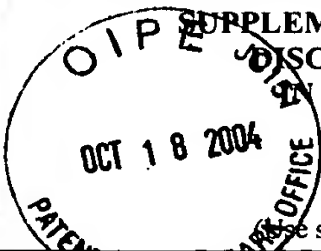
Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: 10/14/04

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 2506.1009-001		APPLICATION NO. 09/524,666	
 SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION October 13, 2004 (Use several sheets if necessary)		FIRST NAMED INVENTOR John G. Aceti		FILING DATE March 13, 2000	
		EXAMINER Dabney, Phylesha Lavinia		CONFIRMATION NO. 6745	
				GROUP 2643	

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AD3	2,246,737	06/24/1941	Knudsen
	AE3	2,487,038	11/08/1949	Baum
	AF3	3,047,089	07/31/1962	Zwislocki
	AG3	3,080,011	03/05/1963	Henderson
	AH3	3,935,401	01/27/1976	Shore, <i>et al.</i>
	AI3	4,055,233	10/25/1977	Huntress
	AJ3	4,170,720	10/09/1979	Killion
	AK3	4,291,203	09/22/1981	Bellafiore
	AA4	4,447,677	05/05/1993	Miyahra, <i>et al.</i>
	AB4	4,736,430	04/05/1988	Schröder
	AC4	4,840,249	06/20/1989	Birkholz, <i>et al.</i>
	AD4	5,048,090	09/10/1991	Geers
	AE4	5,062,138	10/29/1991	Schmid
	AF4	5,748,743	05/05/1998	Weeks
	AG4	5,753,870	05/19/1998	Schlaegel, <i>et al.</i>
	AH4	5,828,757	10/27/1998	Michalson, <i>et al.</i>
	AI4	5,887,070	03/23/1999	Iseberg, <i>et al.</i>
	AJ4	6,097,825	08/01/2000	Yoenst, <i>et al.</i>
	AK4	6,144,750	11/07/2000	Levin
	AA5	6,292,572 B1	09/18/2001	Yoenst, <i>et al.</i>
	AB5	6,434,248 B1	08/13/2002	Juneau, <i>et al.</i>
	AC5	6,438,244 B1	08/20/2002	Juneau, <i>et al.</i>
	AD5	6,473,513 B1	10/29/2002	Shennib, <i>et al.</i>
	AE5			
	AF5			

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.  
2506.1009-001

APPLICATION NO.  
09/524,666

FIRST NAMED INVENTOR  
John G. Aceti

FILING DATE  
March 13, 2000

EXAMINER  
Dabney, Phylesha Lavinia

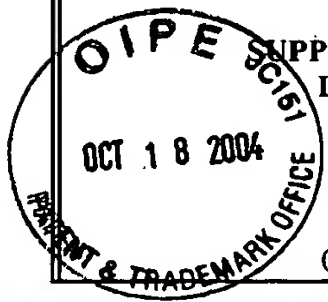
CONFIRMATION NO.  
6745

GROUP  
2643

**SUPPLEMENTAL INFORMATION  
DISCLOSURE CITATION  
IN AN APPLICATION**

October 13, 2004

(Use several sheets if necessary)



**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION	
					YES	NO
	AO2	WO 03/015463	02-20-2003	Hear-Wear Technologies, LLC		
	AP2	JP 62 151100	07-06-1987	Matsushita Electric		
	AQ2					
	AL3					
	AM3					
	AN3					
	AO3					
	AP3					

EXAMINER

DATE CONSIDERED